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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,524	06/05/2000	Muro Costa	3-1-3	7397

7590 07/03/2003
Lucent Technologies Inc
600 Mountain Avenue
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EXAMINER

AFSHAR, KAMRAN

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 07/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/587,524

Applicant(s)

COSTA ET AL.

Examiner

Kamran Afshar, 703-305-7373

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's arguments with respect to claims 1, 5-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5-9, 11, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hays (WO 95/26113).

With respect to claim 1, Hays discloses a method of establishing transmission to mobile station via a radio network, the method comprising: mobile station; providing an indication of a radio service requirement to the mobile station, wherein paging message comprises the indication of the radio service requirement (See Abstract, Page 3, Line 18 – Page 4, Line 3, Page 6, Line 15 – Page 7, Line 5 & entire).

Regarding claim 5, Hays discloses indication of the radio service requirements comprises properties of the cell capable of fulfilling the radio service requirement (See Page 8, Lines 7-35).

Regarding claim 6, Hays discloses the indication of the radio service requirements comprises the required bandwidth of a cell (See Page 7, Lines 6-18).

Regarding claim 7, Hays discloses the indication of the radio service requirement comprises the radio service requirement (See Page 7, Lines 6-18).

Regarding claim 8, Hays discloses the indication of the radio service requirement comprises at least one access value to the radio network on an access channel (See Page 7, Lines 6-18 & entire).

Regarding claim 9, Hays discloses the mobile station returns the at least one access value to the radio network on an access channel (See Page 7, Lines 6-18 & entire).

Regarding claim 11, Hays discloses the radio network comprises cells, and only cells meeting the radio service requirement are measure in order to select one of them for use in the transmission (See Abstract, Page 3, Line 18 – Page 4, Line 3, Page 6, Line 15 – Page 7, Line 5 & entire).

With respect to claim 13, Hays discloses a method of establishing transmission to mobile station via a radio network, the method comprising: mobile station; providing an indication of a radio service requirement to the mobile station. Wherein indication of a radio service requirement is provided at a time other than the time paging message is provide to the mobile station (See Abstract, Page 3, Line 18 – Page 4, Line 3, Page 6, Line 15 – Page 7, Line 5 & entire).

4. Claims 10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hays (WO 95/26113) in view of Pohajakallio (U. S. Patent 5,502,721).

Regarding claims 10, Hays discloses everything in claim 1 as applied above. However, Hays did not explicitly teach the access channel is a random access channel, which is very well know in the art. Pohajakallio teaches the access channel is a random access channel (See

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Abstract, Co. 5, Lines 29-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide above teaching of Pohajakallio to Hays utilizing a random-access-type packet data transfer request on a random-access-type organization channel as suggested by Pohajakallio (See Co. 2, Lines 24-25).

Regarding claim 12, Pohajakallio discloses the mobile station uses the indication of the radio service requirement when making access to the radio network (See Abstract, Co. 5, Lines 29-58).

5. Claims 1, 5-10, 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Argyroudis (U.S. Patent 5,748,104).

With respect to claim 1, Argyroudis discloses a method of establishing transmission to mobile station via a radio network, the method comprising: mobile station; providing an indication of a radio service requirement to the mobile station, wherein paging message comprises the indication of the radio service requirement (See Abstract, Co. 3, Lines 9-22, Co. 8, Line 45 – Co. 9, Line 2 & entire).

Regarding claim 5, Argyroudis discloses indication of the radio service requirements comprises properties of the cell capable of fulfilling the radio service requirement (See Abstract, Co. 3, Lines 9-22, Co. 8, Line 45 – Co. 9, Line 2 & entire).

Regarding claim 6, Argyroudis discloses the indication of the radio service requirements comprises the required bandwidth of a cell (See Abstract, Co. 3, Lines 9-22, Co. 8, Line 45 – Co. 9, Line 2 & entire).

Regarding claim 7, Argyroudis discloses the indication of the radio service requirement comprises the radio service requirement (See Abstract, Co. 3, Lines 9-22, Co. 8, Line 45 – Co. 9, Line 2 & entire).

Regarding claim 8, Argyroudis discloses the indication of the radio service requirement comprises at least one access value to the radio network on an access channel (See Abstract, Co. 3, Lines 9-22, Co. 8, Line 45 – Co. 9, Line 2 & entire).

Regarding claim 9, Argyroudis discloses the mobile station returns the at least one access value to the radio network on an access channel (See Abstract, Co. 3, Lines 9-22, Co. 8, Line 45 – Co. 9, Line 2 & entire).

Regarding claim 10, Argyroudis discloses the access channel is a random access channel (See Abstract, Co. 3, Lines 9-22, Co. 8, Line 45 – Co. 9, Line 2 & entire).

Regarding claim 12, Argyroudis discloses the mobile station uses the indication of the radio service requirement when making access to the radio network (See Abstract, Co. 3, Lines 9-22, Co. 8, Line 45 – Co. 9, Line 2 & entire).

6. Claims 1, 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Yarwood (U.S. Patent 6,161,016).

With respect to claim 1, Yarwood discloses a method of establishing transmission to mobile station via a radio network, the method comprising: mobile station; providing an indication of a radio service requirement to the mobile station, wherein paging message comprises the indication of the radio service requirement (See Abstract, Co. 1, Lines 36-49, Co. 3, Lines 19, Co. 3, Lines 35-65 & entire).


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Regarding claim 11, Yarwood discloses the radio network comprises cells, and only cells meeting the radio service requirement are measure in order to select one of them for use in the transmission (See Co. 2, Lines 35-55, Fig. 1).

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (703) 305-7373. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached @ (703) 305-4778. The fax number for the organization where this application or proceeding is assigned is (703) 872-9314 for all communications.


Kamran Afshar


ERIKA GARY
PATENT EXAMINER